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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,210	09/25/2003	Katsuhisa Yamaguchi	0905-0292P	2143

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EXAMINER	
SIKRI, ANISH	

ART UNIT	PAPER NUMBER
2109	

NOTIFICATION DATE	DELIVERY MODE
05/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/669,210

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Anish Sikri

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/25/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement submitted on 09/25/2003 been considered by the Examiner and made of record in the application file.

Preliminary Amendment

The present Office Action is based upon the original patent application filed on 09/25/2003 as modified by the preliminary amendment filed on 09/25/2003. **Claims 1 to 7** are now pending in the present application.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first, second, third, and fourth transmission device(s) from the claims must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claim **1,2 and 7** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim **1** recites the limitation "content server". There is insufficient antecedent basis for this limitation in the claim. Claim 1 clearly states it is a center server. Appropriate correction is needed.

Claim **2** recites the limitation "client computer". There is insufficient antecedent basis for this limitation in the claim. Claim 1 mentions a personal computer whereas Claim 2, which it is depended on, recites a client computer. Consistent use of the term "client computer" or "personal computer" should be used throughout the claims. Appropriate correction is needed.

Claim **7** does not further limit **6**, from which it depends, because it recites a structure or apparatus, but depends from a program claim. Claims 6 & 7 should be combined in compliance with 35 U.S.C. 101. Appropriate correction is needed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2109

Claims 1 to 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brickell et al (US Pub 2003/0115142) in view of Mighdoll et al (US Pat 6,073,168).

Consider **Claim 1**, Brickell et al discloses digital service system comprising a personal computer, a service server and a center server, wherein said service server includes a first transmitting device for sending said center server data indicating content of a service implemented in said service server (Brickell et al, Fig 1, Fig 4, Col 1-Col 2 [0018]), data indicating the authorization level of the service and address data indicating the address of the content server (Brickell et al, Fig 1, Fig 3, Fig 6, Col 2 Lines [0019], Col 4 Lines [0036], Col 6 Lines [0057]). Personal Computer is being treated as a user 102, 402 stated in Brickell et al (Fig 1, Fig 4, [0006]). Service center is treated as authentication server 106, 408 stated in Brickell et al (Fig 1, Fig 4, [0018]). The center server is being treated as Relaying Party 104, 404 (Fig 1, Fig 4, [0018]).

But Brickell et al fails to disclose said client computer includes a second transmitting device for sending said center server a service-list request command; and said center server includes: a storage control device for storing the service-content data, service authorization-level data and address data, which has been transmitted from said first transmitting device of said service server, in a management table; a service-list generating device for generating a service list, which includes service content and address of said service server, from the data that has been stored in the management table, based upon the service authorization level in response to the service-list request command transmitted from said second transmitting device of said

Art Unit: 2109

client computer; and a third transmitting device for sending said client computer data indicating the service list that been generated by said service-list generating device.

Nonetheless, Mighdoll et al discloses said client computer includes a second transmitting device for sending said center server a service-list request command (Mighdoll et al, Col 14 Lines 58-68); and said center server includes: a storage control device for storing the service-content data (Mighdoll et al, Col 4 Lines 60), service authorization-level data and address data (Mighdoll et al, Col 15 Lines 1-12), which has been transmitted from said first transmitting device of said service server (Mighdoll et al, Col 14 Lines 58-68), in a management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68); a service-list generating device for generating a service list (Mighdoll et al, Col 14 Lines 58-68, Col 15 Lines 1-12), which includes service content and address of said service server (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19), from the data that has been stored in the management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), based upon the service authorization level in response to the service-list request command transmitted from said second transmitting device of said client computer (Mighdoll et al, Col 14 Lines 58-68); and a third transmitting device for sending said client computer data indicating the service list that been generated by said service-list generating device (Mighdoll et al, Col 14 Lines 58-68). Mighdoll et al's invention clearly shows on the use of server-generated list (ticket), which is requested by the client (Mighdoll et al, Col 14 Lines 58-68). The Management table is being considered as a user database (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68). Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to

Art Unit: 2109

implement the use of system generated service list from the server which is to be transmitted to the client's request, taught by Brickell et al, for the purpose of utilizing a peer-to-peer network system in which a user is provided with a service.

Consider **Claim 2**, and as applied to claim 1 above, Brickell et al as modified by Mighdoll et al, fails to disclose the client computer further includes a fourth transmitting device for transmitting a service request to a service server having an address contained in a service list represented by service list data that has been transmitted from said third transmitting device of said center server.

Nonetheless, Mighdoll et al clearly discloses client computer further includes a fourth transmitting device for transmitting a service request to a service server having an address contained in a service list (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19) represented by service list data that has been transmitted from said third transmitting device of said center server (Mighdoll et al, Col 14 Lines 58-68, Col 15 Lines 1-12). Mighdoll et al clearly shows on how the service request "ticket" contains address and other relevant information for the client. Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use of inserting addresses in a service list when a client requests the service list from the server, taught by Brickell et al, for the purpose of efficient use of a peer-to-peer network system in which a user is provided with a service list pertaining with content/service along with their addresses.

Consider **Claim 3**, and as applied to claim 1 above, Brickell et al as modified by Mighdoll et al discloses the service server further includes: an authentication device for authenticating said client computer in response to a service request transmitted from said fourth transmitting device of said client computer (Brickell et al, Fig 3, Fig 4, Fig 6, Fig 10, Col 4 Lines [0036], Col 6 Lines [0057], Col 7 Lines [0071]); and a service execution device for executing processing (Brickell et al, Fig 3, Fig 4, Fig 6, Fig 10, Col 4 Lines [0036], Col 6 Lines [0057], Col 7 Lines [0071]), which is based upon the service request transmitted from said fourth transmitting device of said client computer, in response to authentication by said authentication device (Brickell et al, Fig 3, Fig 4, Fig 6, Fig 10, Col 4 Lines [0036], Col 6 Lines [0057], Col 7 Lines [0071]). Brickell et al clearly shows on how the server conducts authentication in a peer-to-peer network system when the client requests a service request.

Consider **Claim 4**, and as applied to claim 1 above, Brickell et al as modified by Mighdoll et al fails to disclose the center server comprising: a storage control device for receiving data indicating content of a service by a service server, data indicating service authorization and data indicating an address, these items of data being transmitted from the service server, and storing this data in a management table; a service-list generating device for generating a service list, which includes service content and address of said service server, from the data that has been stored in the management

Art Unit: 2109

table, based upon a service authorization level in response to a service-list request command transmitted from a client computer; and a transmitting device for sending-the client computer data indicating the service list that has been generated by said service-list generating device.

Nonetheless, Mighdoll et al discloses the center server comprising: a storage control device for receiving data indicating content of a service by a service server (Mighdoll et al, Col 4 Lines 60), data indicating service authorization and data indicating an address (Mighdoll et al, Col 15 Lines 1-12), these items of data being transmitted from the service server (Mighdoll et al, Col 14 Lines 58-68), and storing this data in a management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68); a service-list generating device for generating a service list (Mighdoll et al, Col 14 Lines 58-68), which includes service content and address of said service server, from the data that has been stored in the management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), based upon a service authorization level in response to a service-list request command transmitted from a client computer (Mighdoll et al, Col 14 Lines 58-68); and a transmitting device for sending-the client computer data indicating the service list that has been generated by said service-list generating device (Mighdoll et al, Col 14 Lines 58-68). Mighdoll et al clearly shows on how the server uses its storage memory. Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the use of storage device in a server where it receives data content from an another server, taught by Brickell et al, for the purpose of

Art Unit: 2109

efficient use of a peer-to-peer network system in which the servers are not taxed heavily based load-sharing methodologies.

Consider **Claim 5**, Brickell et al fails to disclose a method of controlling a center server, comprising the steps of: receiving, and storing in a management table, data indicating content of a service by a service server, data indicating service authorization and data indicating an address, these items of data being transmitted from the service server; generating a service list, which includes service content and address of the service server, from the data that has been stored in the management table, based upon a service authorization level in response to a service-list request command transmitted from a client computer; and sending the client computer data indicating the service list that has been generated.

Nonetheless, Mighdoll et al clearly discloses the method of controlling a center server, comprising the steps of: receiving, and storing (Mighdoll et al, Col 4 Lines 60) in a management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), data indicating content of a service by a service server, data indicating service authorization and data indicating an address (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19, Col 14 Lines 58-68), these items of data being transmitted from the service server; generating a service list (Mighdoll et al, Col 14 Lines 58-68), which includes service content and address of the service server (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19), from the data that has been stored in the management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), based upon a service authorization level in response to a

Art Unit: 2109

service-list request command transmitted from a client computer (Mighdoll et al, Col 14 Lines 58-68); and sending the client computer data indicating the service list that has been generated (Mighdoll et al, Col 14 Lines 58-68). Mighdoll et al's invention clearly shows on the use of server-generated list (ticket), which is requested by the client (Mighdoll et al, Col 14 Lines 58-68). The Management table is being considered as a user database (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68). Mighdoll et al's invention clearly shows on the use of server-generated list (ticket), which is requested by the client. Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the method of using the system generated service list from the server which is to be transmitted to the client's request, taught by Brickell et al, for the purpose of utilizing a peer-to-peer network system in which a user is provided with a service. Personal Computer is being treated as a user 102, 402 stated in Brickell et al (Fig 1, Fig 4, [0006]). Service center is treated as authentication server 106, 408 stated in Brickell et al (Fig 1, Fig 4, [0018]). The center server is being treated as Relaying Party 104, 404 (Fig 1, Fig 4, [0018]).

Consider **Claim 6**, Brickell et al fails to disclose a program of controlling a center server, comprising the steps of: receiving, and storing in a management table, data indicating content of a service by a service server, data indicating service authorization and data indicating an address, these items of data being transmitted from the service server; generating a service list, which includes service content and address of the service server, from the data that has been stored in the management table, based

Art Unit: 2109

upon a service authorization level in response to a service-list request command transmitted from a client computer; and sending the client computer data indicating the service list that has been generated. Personal Computer is being treated as a user 102, 402 stated in Brickell et al (Fig 1, Fig 4, [0006]). Service center is treated as authentication server 106, 408 stated in Brickell et al (Fig 1, Fig 4, [0018]). The center server is being treated as Relaying Party 104, 404 (Fig 1, Fig 4, [0018]).

Nonetheless, Mighdoll et al clearly discloses the method of controlling a center server, comprising the steps of: receiving, and storing (Mighdoll et al, Col 4 Lines 60) in a management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), data indicating content of a service by a service server, data indicating service authorization and data indicating an address (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19, Col 14 Lines 58-68), these items of data being transmitted from the service server; generating a service list (Mighdoll et al, Col 14 Lines 58-68), which includes service content and address of the service server (Mighdoll et al, Col 15 Lines 1-12, Col 16 Lines 9-19), from the data that has been stored in the management table (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68), based upon a service authorization level in response to a service-list request command transmitted from a client computer (Mighdoll et al, Col 14 Lines 58-68); and sending the client computer data indicating the service list that has been generated (Mighdoll et al, Col 14 Lines 58-68). Mighdoll et al's invention clearly shows on the use of server-generated list (ticket), which is requested by the client (Mighdoll et al, Col 14 Lines 58-68). The Management table is being considered as a user database (Mighdoll et al, Col 14 Lines 28-30 Lines 58-68). Mighdoll et al's

Art Unit: 2109

invention clearly shows on the use of server-generated list (ticket), which is requested by the client. Therefore, it would be obvious to a person of ordinary skill in the art at the time of the invention was made to implement the program of using the system generated service list from the server which is to be transmitted to the client's request, taught by Brickell et al, for the purpose of utilizing a peer-to-peer network system in which a user is provided with a service.

Consider **Claim 7**, and as applied to claim 1 above, Brickell et al as modified by Mighdoll et al fails to recording medium storing the program set forth in claim 6.

Nonetheless, Mighdoll et al clearly discloses the recording medium storing the program (Mighdoll et al, Col 4 Lines 60). Mighdoll et al shows that the program is stored in the server. Therefore it would be obvious to a person in the art to store the computer program in a storage device, taught by Brickell et al, for the purpose of controlling the server processes and controls via an application/program.

Art Unit: 2109

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Anish Sikri whose telephone number is (571) 270-1783. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

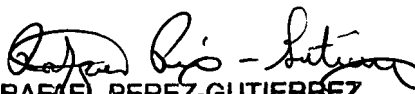
Art Unit: 2109

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Anish Sikri
A.S./as

May 10, 2007


RAFAEL PEREZ-GUTIERREZ
SUPERVISORY PATENT EXAMINER
5/14/07